PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: ' The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section _1802.3B (1801.2 (c) 410 permit a side ward of zero (0) feet in lieu of the required 6' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. This variance is requested to permit a carport to be constructed beside a residence thereby screening the cars from the roadway. The carport is needed to provide adequate and safe parking.

2. The neighbor was granted a similar side yard for a garage.

3. This requested variance is in strict harmony with the spirit and intent of the Zoning Regulations and will not injure the public health, safety, and general welfare. Committee of the last Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: TELL BIN DER (Type or Print Name) (Type or Print Name) . Tell Bin Dor (Type or Print Name) City and State Attorney for Petitioner: 3949 McDonogh Road G. Scott Barhight Baltimore, Maryland 21133 1. Scott Barbught City and State 204 W. Pennsylvania Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted G. Scott Barhight Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this _____ 3rd _____ day

of July 19 84, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the ______ 27th_ day of __August_____, 1984__, at 10:00_ o'clock

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Tell Bin Der

G. Scott Barbight, Esquire

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 3rd day of July , 19 84

Zoning Commissioner

Received by: Micholas B. Commodari
Nicholas B. Commodari

Chairman, Zoning Plans

Advisory Committee

204 W. Pennsylvania Ave. 823-7800

Zoning Commussioner of Baltimore County.

Address Towson, MD 21204 Phone No.

BALTIMORE COUNTY ADVISORY COMMITTEE PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner Date August 10, 1984

Norman E. Gerber, Director FROM Office of Planning and Zoning Zoning Petition Nos. 85-53-A, 85-54-A, SUBJECT 85-55-A, 85-58-A, 85-61-A, and 85-62-SpH

There are no comprehensive planning factors requiring comment on these petitions.

> Norman E. Gerber, Director Office of Planning and Zoning

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE August 16, 1984

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave.

G. Scott Barhight, Esquire 204 West Pennsylvania Avenue Towson, Maryland 21204

Nicholas B. Commodari Chairman

MEMBERS

RE: Item No. 358 - Case No. 85-54-A Petitioner - Tell Bin Der Variance Petition

Bureau of Department of Traific Engineering

State Roads Commissio Fire Prevention Health Department Project Planning Building Department Board of Education

Zoning Administration

Dear Mr. Barhight:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours, Ticholas &. Commodari, loc NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC:bsc Enclosures

cc: Paul Lee Engineering, Inc. 304 West Pennsylvania Ave Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E. DIRECTOR

July 13, 1984

District: 2nd

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #358 (1983-1984) Property Owner: Tell Bin Der E/S McDonogh Rd. 392' S. from centerline Lesan Rd. Acres: 0.16

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject

General:

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement 27205, executed in conjunction with the development of "Century 21 at Randallstown", of which this property is a part. Development of this property through stripping, grading and stabilization could

result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil. The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties,

result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 358 (1983-1984).

especially by the concentration of surface waters. Correction of any problem which

Very truly yours,

GSB:EAM:FWR:88

P-SW Key Sheet

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOW ON MARYLAND 21204 NORMAN E. GERBER DIRECTOR

NEG/JGH/sf

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Zoning Advisory Meeting of Item # 358 TELL BIN DEP. Location: E/S MC DONEGH RD, 392' S LESAM RO.

سيبع فللمستقيل والمستناء والمستاء والمستناء والمستناء والمستناء والمستناء والمستناء والمستناء وا

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

> subdivision. The plan must show the entire tract.
>
>)A record plat will be required and must be recorded prior to issuance of a building permit.
>
> The access is not satisfactory.
>
> The circulation on this site is not satisfactory. The parking arrangement is not satisfactory.)Parking calculations must be shown on the plan.
>)This property contains soils which are defined as wetlands, and development on these soils is prohibited.
>)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.

)Landscaping should be provided on this site and shown on the plan.)The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service

intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.)Additional comments:

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, M. RYLAND 21204
494-3550

STEPHEN ... COLLINS DIRECTOR

July 23, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 345, 356, 357, 358, 359, 360, 361 ZAC-Meeting of July 3, 1984 Location: Existing Zoning: Proposed Zoning:

Acres: District:

Dear Mr. Jublon:

The Department of Traffic Engineering has no comments for item numbers 345 356, 357, (358) 359, 360 and 361.

Traffic Engineering Assoc. II

MSF/com

cc: James Hoswell

BUREAU OF ENG. LEERING - BALTIMORS COUNTY, MD.

City and State

85-54-A

Attorney

Attorney's Telephone No.: _823=7800_____

J#X 29 1935

Service and the service and se

7/13/64

Dear Mr. Jablon:

(There are no site planning factors requiring comment.

(A County Review Group Meeting is required.

(A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.

(This site is part of a larger tract; therfore it is defined as a continuous country that the country that t

)Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
)The amended Development Flan was approved by the Planning Board

)The property is located in a traffic area controlled by a "D" level

appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of _____, vinue ? _____, that the herein Petition for Variance(s) to permit labigagagagede. 400 et al 400 et al white applicant has been been all better a and the state of t orthilled a still program and a comparable of a state of the comparable of the compa अवस्थिति विश्वेष्ठ सम्बद्धिकारम् अस्य १८ अनुस्य है । अस्ति । i daga melak dijerik dan berajak digiri berajah digiri dan berajak di berajak di berajak di berajak di berajak Berajak di perajak di perajak di berajak di Takathir a rest laws of the transfer of والمعيوف المعالية ويتواجه وأناه وهاؤا يهجرانها والمها فهرجهيها July 30, -384 G. Scott Barbight, Esquire 204 West Pennsylvania Avenue Towson, Maryland 21204 NOTICE OF HEARING Re: Petition for Variance

E/S McDonogh Rd., 392 S of the c/l

of Lesan Rd. (3949 McDonogh Road)

Tell Bin Der - Petitioner

Case No. 35-54-A TIME: 10:00 A.H. DATE: Monday, August 27, 1984 FLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland of Baltimore County No. 130535 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT Der Tell Bon Variance . 009*******350010 8204A VALIDATION OR SIGNATURE OF CASHIER

Control of the Contro BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586 PAUL H. REINCKE July 18, 1984 Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee RE: Property Owner: Tell Bin Der Location: E/S McLonogh Road 392' S. f. T c/l Lesan Road Zoniny Agenda: Meeting of 7/3/84 Item No.: 358 Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ______ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. $f_{\mathbf{X}}$) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy. () 6. Site plans are approved, as drawn. REVIEWER LAND Special Inspection Division

Noted and Scory Milliagnal Approved:

Fire Prevention Bureau () 7. The Fire Prevention Bureau has no comments, at this time. 0 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 85-54-A Date of Posting 8-16-84 District 2nd Location of property: 6/5 Me Donogha Pord 392' S of this C/lef Lesen Read (3949 Me Donogh Road

Location of Signs: Cost side of Mc Donogh Road in front of

3949 Mc Donogh Road CERTIFICATE OF PUBLICATION PETITION FOR VARIANCE 2nd Election District Znd Election District

ZONING: Pethlion for Variance
LOCATION: East side MeDonogh Rd., 392 ft. South of
the centerline of Lesan Road
(3949 McDonogh Road)
DATE & TIME: Monday, August 27, 1984 at 10:00 A.M.
PUBLIC HEARING: Room
108, County Office Building,
111 W. Chesapeake Avenue,
Towson, Maryland TOWSON, MD., _____ August_9,___, 19-84-THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Towson, Maryland

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Variance to permit a side yard setback of 0 ft. in lieu of the required 6 ft. Being the property of Tell Bia Der, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be fasued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. _____August_9, 1984... THE JEFFERSONIAN. ance of said permit during this
period for good cause shows
Such request must be received
in writing by the date of the
hearing set above or m.de at
the "earing."

Y By Order Of
ARNOLD JABLON

Zuning Commissioner
of Baltimore County Cost of Advertising 1800

DEPARTMENT OF PERMITS & LICENSES TOWSON, MARYLAND 21204
494-3610 Tell Bin Der E.S. McDonogh Road Variance to permit a side yard setback of 0' in lieu of 6' All structure shall conform to the Bultimore County Building Code 1981/ Council Bill |-82 State of Maryland Code for the Handicapped and Aged; (B. | building/and other miscellameous permits shall be required before beginning Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application. note: (E. An exterior wall erected within 6'0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0 of lot lines. A firewall is required if construction is on the lot line, See Table 401, line 2, P. Requested variance conflicts with the Baltimore County Building Code, G. A change of occupancy shall be applied for, along with an alteration parmit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer cartify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction HOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Boom #122 (Plans Review) at 111 West Chesapeaks Ave., 21204 Very truly yours, Charles E. Burnhem, Chief Plans Review POAM 01-82 Petition for Variance 2nd Election District Zoning: Petition for Variance Location: East side McDonogh Rd., 392 ft. South 6f the centerline of Lesan Road (3949)

South of the centerine of Lesan rocal (1999)
McDonoyh Roadh
Date & Tyme: Monday, August 27, 1964 at 10:00 a.m. 3
Publid Huaking, Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Regulations of Baltimore County, will hold a public hearing:
Petition for Variance to permit a side yard setback of 0 ft. in fieu of the required 6 ft. Being the property of Tell Bin Der, as shown on plat plan filed with the Zoning Department. In the event that this Petition is gramed, a building permit may be issued within the thirty (30) day app. all period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during this period for good cause shown. Succequest must be received in writing by the date of the hearing set above or made at the hearing.

By Order of

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 ELTIFICATE OF PUBLICATION 57827 ARNOLD JABLON ZONING COMMISSIONER Fikesville, Md., Aug. 8 19 84 My, that the annexed advertisment the NORTHWEST STAR, a weekly August 23, 1984 ed in Pikesville, Baltimore before the 27th day of G. Scott Barhight, Esquire 204 West Pennsylvania Avenue Towson, Maryland 21204 the first publication appearing on the Re: Petition for Variance 8th cay of Aug. .19 84 E/S McDonogh Rd., 392° S of the c/l of Lesan Road (3949 McDonogh Road) Tell Bin Der - Petitioner the secend publication appearing on the Case No. 85-54-A Dear Mr. Barbight: the third publication appearing on the This is to advise you that \$41.00 is due for advertising and posting of the above property. This fee must be paid and our zoning sign and post returned on the day THE NORTHWEST STAR of the hearing before an Order is issued. Do not remove sign until day of hearing. Towson, Maryland 21204, before the hearing. Cost of Advertisement____ BALTIMORE COUNTY, MARYLAND

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCE

E/S McDonogh Rd., 3921

S of the Centerline of

Rd.), 2nd District

inary or final Order.

Petitioner.

Lesan Rd. (3949 McDonogh

TELL BIN DER, Petitioner : Case No. 85-54-A

::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the

Phyllis Cole Friedman

Peter Max Zimmerman Deputy People's Counsel

Rm. 223, Court House

Towson, MD 21204

I HEREBY CERTIFY that on this 8th day of August, 1984, a copy

494-2188

of the foregoing Entry of Appearance was mailed to G. Scott Barhight,

Esquire, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for

above-captioned matter. Notices should be sent of any hearing dates

or other proceedings in this matter and of the passage of any prelim-

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

Phyllis Cole Friedman

People's Counsel for Baltimore County

Peter Max Zummen

Leter Max Zumann

Paul Sea 9.6

Paul Lee Engineerinz Inc. 304 W. Pennsgloania Aco.

DESCRIPTION

LOT 2, BLOCK D, PLAT 2, CENTURY 21 AT RANDALLSTOWN, #3949 MCDONOGH ROAD, SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

This Description is for a Side Yard Variance.

Beginning at a point on the east side of McDonogh Road, seventy feetwide, as shown on Plat 2 of Century 21 at Randallstown, and as recorded among the land records of Baltimore County in Plat Book E.H.K.Jr. 36-5, at the dividing line between Lots 2 and 3, Block D, said beginning point being a distance of 392 feet + southerly along the east property line from the center line of Lesan Road, thence binding on the east right-of-way of McDonogh Road the two following courses and distances (1) S 01°55'00" East 12.13 feet and (2) by a curve to the left with a radius of 965.00 feet and a length of 52.89 feet, thence leaving said east side of McDonogh Road (3) N 88°05'00" East 108.55 feet, thence (4) N 01°55'00" West 65.00 feet and (5) S 88°05'00" West 110.00 feet to the place of beginning.

Containing 0.16 acres + of land.



and general welfare.

Pursuant to the adverisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS CRDERED by the Zoning Commissioner of Baltimore County, this 30th day of August, 1984, that the Petition for Zoning Variance to permit a side yard setback of zero feet instead of the required 6 feet be and is hereby GRANTED, from and after the date of this Order, subject however, to the following restrictions:

EWED FOR FILING ORDER RE

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

The request to amend the 1st Amended Final Development Plan of Century 21 at Randallstown, Plat 2, is hereby approved, pursuant to Section 1B01.3.A.7.c, BCZR.

> Commissioner Baltimore County

cc: William Hesson, Esquire People's Counsel

PETITION FOR VARIANCE 2nd Election District

Petition for Variance ZONING:

the hearing.

LOCATION: East side McDonogh Rd., 392 ft. South of the centerline of Lesan Road (3949 McDonogh Road)

Monday, August '7, 1984 at 10:00 A.M. DATE & TIME:

Room 106, County Office Building, 111 W. Chesapeake PUBLIC HEARING: Avenue, Towson, Maryland The Zoning Commissioner of Baltimore County, by authority of the Zoning

Petition for Variance to permit a side yard setback of Oft. in lieu of the required 6 ft.

Act and Regulations of Baltimore County, will hold a public hearing:

Being the property of Tell Bin Der, as shown on plat plan filed with

the Zoning Department. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner

will, however, entertain any request for a stay of the issuance of said

permit during this period for good cause shown. Such request must be

received in writing by the date of the hearing set above or made at

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

IN RE: PETILION ZONING VARIANCE E/S McDonogh Road, 392' S of the centerline of Lesan Road * (3949 McDonogh Road) - 2nd Election District

Petitioner

Tell Bin Der,

ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 85-54-A

BEFORE THE

FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

The Petitioner herein requests a variance to permit a side yard setback of zero feet instead of the required 6 feet, as is more fully described on Petitioner's Exhibit 1, in order to construct a carport. In addition, the Petitioner seeks permission to amend the 1st amended Development Plan of Century 21 at Randallstown, Plat 2, accordingly.

' The Petitioner appeared and testified, and was represented by counsel. Also appearing for the Petitioner was Paul Lee, a registered engineer. There were no Protestants.

Testimony indicated that the Petitioner owns two adjoining parcels, both zoned D.R. 5.5, each improved with a single family residence. The Petitioner lives in one, 3947 McDonogh Road, and rents the other, 3949, to his nephew. In Case No. 79-152-A, the Petitioner received a variance for a side yard setback for 3947 to build a garage. The side yard impacted was the side facing 3949. Now, the Petitioner seeks a setback to the side yard requirement for 3949 that facing 3947. The purpose is to construct a carport. There presently a common concrete driveway serving both homes. A carport cannot be built elsewhere on the site as it would require the relocation of the driveway and there is not sufficient area elsewhere to maneuver. The Petitioner is a

restaurant owner who often comes home late at night with his day's receipts, and the carport would provide additional screening for protection. Mr. Lee believes that the conditions delineated in Section 307 are satisfied.

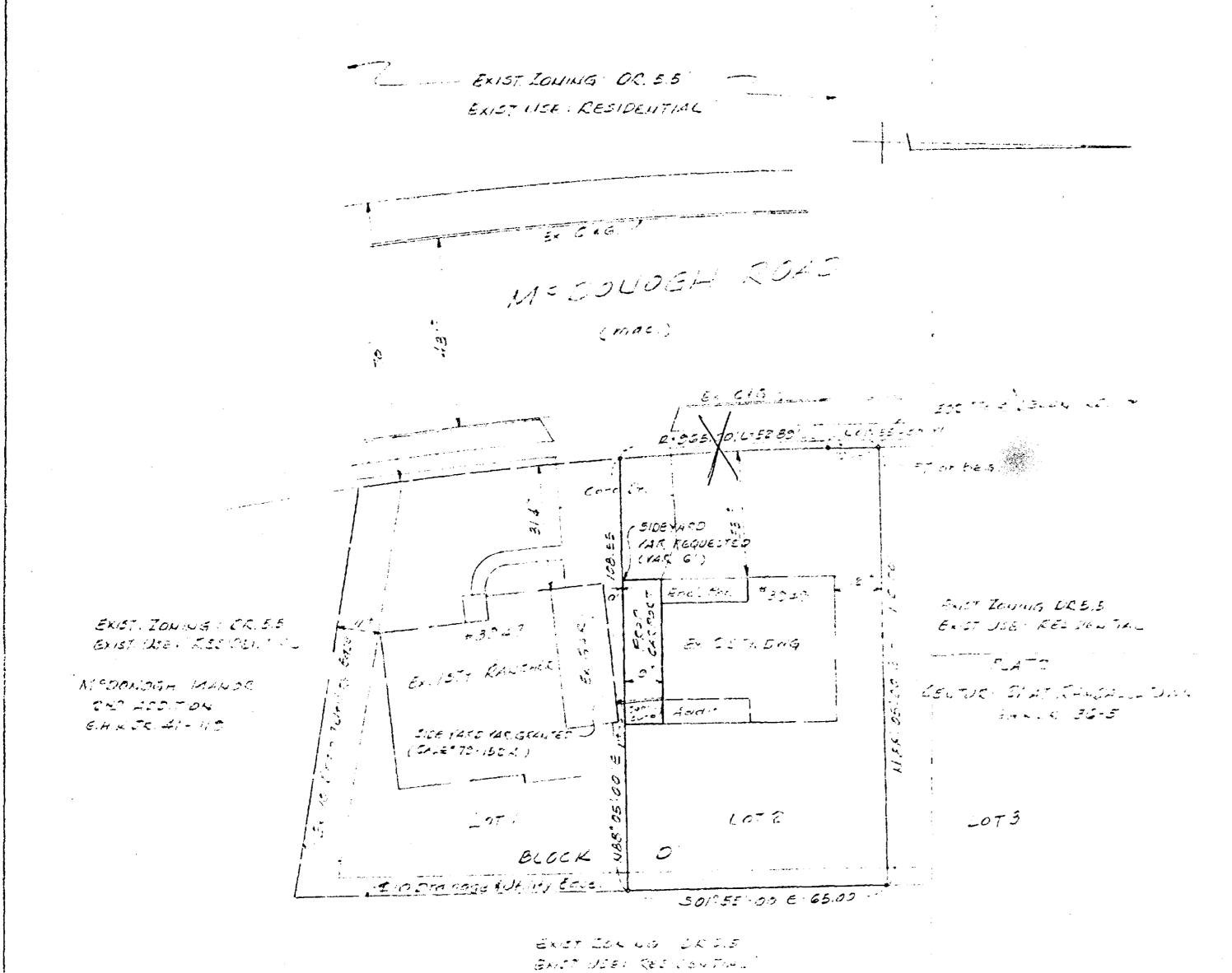
The Petitioner seeks relief from Section 1802.3.8 (1801.2.C.4 and 301.1), pursuant to Section 307, Baltimore County Zoning Regulations, (BCZR). An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variance was granted, such use

as proposed would not be contrary to the spirit of the BCZR and would not Tresult in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is T clear that a practical difficulty or unreasonable hardship would result if the instant variance was not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, What the variance requested will not be detrimental to the public health, safety,



SURVECTED TO SAMUEL SAMUEL

LOCATION PLAN

GENERAL NOTES

THE CONTROL OF TESTE CTY TO A S.FT OF ST. SACREST

TO BENEFINISH OF PROFERTY OR SE NOW SITE VARIOUSE

E SENECE NATEC EXISTING TO SITE

6. PROPERTY LOCATED IN GIVEN - FALLS MATERIAGE

T ENELLINGS ON LOTS 13 & BMLED BY FEEL TOLES

B. FET TOLER IS REQUEST US A VARIANCE TO SECTION

180 . TILL, 4 : 18 4 (TOLE 5) & SECTION SOL OF THE

TOUGH SEGULATION TO SERMINE SERVICE OF O'

185 TEAD OF THE REQUIRED S' (A MARIANCE OF S')

THAT TO KKEDNISK . TETITOR

SIDE YARD VARIANCE

*3949 M° DOVOGH ROAD

ELECT DIET ?

BACTIMORE CO. MO.

5 CALE : 1 = 20'

FEB. 0. 1934

1358

PETITIONER'S
EXHIBIT



PAUL LEE ENGINEERING, INC 204 N. PENNSYLVANIA AVENUE TONSON, MASYLAND ZISO4